

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO
SENTENCING MINUTE SHEET

CR No.	14-2783-001	USA v.	Rodella		
Date:	1/21/15	Name of Deft:	Thomas R. Rodella		
Before the Honorable		James O. Browning			
Time In/Out:	9:04 a.m./10:05 a.m. 10:21 a.m./10:56 a.m.		Total Time in Court:	1:36	
Clerk:	K'Aun Wild		Court Reporter:	Jennifer Bean	
AUSA:	Tara Neda/Jeremy Pena		Defendant's Counsel:	Robert Gorence (Retained)	
Sentencing in:	ABQ		Interpreter:	N/A	
Probation Officer:	Melissa Pedraza/ Loyola Garcia		Sworn?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Convicted on:	<input type="checkbox"/> Plea	<input checked="" type="checkbox"/> Verdict	As to:	<input type="checkbox"/> Information	<input checked="" type="checkbox"/> Indictment
Plea:	<input type="checkbox"/> Accepted	<input type="checkbox"/> Not Accepted	Adjudged/Found Guilty on Counts:	Counts 1 and 2	
Plea Agreement:	<input type="checkbox"/> Accepted	<input type="checkbox"/> Not Accepted	No Plea Agreement	Comments:	
Date of Plea/Verdict:	September 9, 2014		PSR:	<input type="checkbox"/> Not Disputed	<input checked="" type="checkbox"/> Disputed
PSR:	<input checked="" type="checkbox"/> X	Court Reviewed PSR Factual Findings and USSG Calculations and Adopts as Its Own	Evidentiary Hearing:	<input checked="" type="checkbox"/> X	<input type="checkbox"/> Not Needed <input type="checkbox"/> Needed
Exceptions to PSR:	None				
SENTENCE IMPOSED		Imprisonment (BOP): 121 months (a term of 37 months is imposed as to Count 1; at term of 84 months is imposed as to Count 2; said terms shall run consecutively)			
Supervised Release:	3 years (imposed as to each Counts 1 and 2; said terms shall run concurrently)		Probation:	500-Hour Drug Program	
SPECIAL CONDITIONS OF SUPERVISION					
<input type="checkbox"/>	No re-entry without legal authorization		<input type="checkbox"/>	Home confinement for _____ months _____ days	
<input type="checkbox"/>	Comply with ICE laws and regulations		<input type="checkbox"/>	Community service for _____ months _____ days	
<input type="checkbox"/>	ICE to begin removal immediately or during sentence		<input type="checkbox"/>	Reside halfway house _____ months _____ days	
<input type="checkbox"/>	Participate in outpatient substance abuse program		<input type="checkbox"/>	Register as sex offender	
<input type="checkbox"/>	Participate in outpatient mental health program		<input type="checkbox"/>	Participate in sex offender treatment program	
<input type="checkbox"/>	No alcohol or other forms of intoxicants		<input type="checkbox"/>	Possess no sexual material	
<input checked="" type="checkbox"/>	Submit to search of person/property		<input type="checkbox"/>	No computer with access to online services	
<input checked="" type="checkbox"/>	No contact with <u>victim</u> (s) and/or co-Deft(s)		<input type="checkbox"/>	No contact with children under 18 years	
<input type="checkbox"/>	No entering, or loitering near, victim's		<input type="checkbox"/>	No volunteering where children supervised	
<input type="checkbox"/>	Provide financial information		<input type="checkbox"/>	Restricted from occupation with access to	
<input type="checkbox"/>	Grant limited waiver of confidentiality		<input type="checkbox"/>	No loitering within 100 feet of school yards	
<input type="checkbox"/>	OTHER:				

Fine: \$	200,000.00 (due immediately)		Restitution: \$	<p>The Court finds the Mandatory Restitution Act of 1996 is applicable in this case. Restitution in the amount of \$7,135.88 to the State of New Mexico Victim's Reparation Commission and \$3,200.00 to the victim M.T. for lost wages is ordered in this case. Payments should be paid to the United States Court Clerk and forwarded to the Crime Victim's Reparation Commission at 8100 Mountain Road, N.E., Suite 106, Albuquerque, New Mexico 87100; Attn.: Jacqueline Sanchez, Restitution Officer and the victim M.T. The restitution will be paid monthly of no less than \$500.00 per month, or 15% of his gross family household income, whichever is greater.</p>		
SPA: \$	200.00		Payment Schedule:	X	Due Immediately	Waived
OTHER:						
X	Advised of Right to Appeal		Waived Appeal Rights per Plea Agreement			
X	Held in Custody		Voluntary Surrender			
X	Recommended place(s) of incarceration:	<p>The Court recommends a facility to accommodate the Defendant's law enforcement status, so as not to require segregation.</p>				
	Dismissed Counts:					
OTHER COMMENTS		<p>Court confirms that the Addendum has satisfied all factual objections; defense counsel confirms. Court overrules objections to paras. 20, 23 and 24.</p> <p>OBJECTION TO SERIOUS BODILY INJURY APPLICATION (2A2.2): Defense counsel informs will rely on briefing in support of argument; AUSA has no argument re: same; defense counsel has no further argument re: same; Court overrules objection.</p> <p>OBJECTION TO PARA. 29 (PHYSICAL RESTRAINT ENHANCEMENT) (3A1.3): Defense counsel argues in support of same; AUSA Neda argues in response in opposition to same; defense counsel has no further argument re: same; Court overrules objection.</p> <p>OBJECTION TO PARA. 30 (ROLE IN OFFENSE) (3B1.1(c)): Counsel rely on briefing in support of arguments re: objection; Court overrules objection re: same.</p> <p>OBJECTION TO PARA. 31 (OBSTRUCTION OF JUSTICE) (3C1.1): Defense counsel argues in support of objection re: same; AUSA Neda argues in response in opposition to same; defense counsel has no further argument re: same; Court sustains objection as to financial records, but overrules as to falsification of report.</p> <p>DEFENDANT'S REQUEST FOR DOWNWARD DEPARTURE: 9:28 a.m. Defense counsel argues in support of same; AUSA Neda argues in response in opposition to same; defense counsel has no further argument re: same;</p>				

Court denies request for downward departure – will take arguments re: same into account in context of request for variance.

DEFENDANT'S REQUEST FOR VARIANCE:

9:41 a.m. Defense counsel argues in support of request for downward variance; Court queries defense counsel/Defendant re: assets.

9:59 a.m. Defendant allocutes. 10:01 a.m. AUSA Neda addresses Court.

Court in recess: 10:05 a.m.

Court in session: 10:21 a.m.

Court announces proposed sentence; varies downward; provides findings to support imposition of special conditions. AUSA requests Defendant be instructed not to encumber or alienate his assets. Court informs Defendant not to do anything that will disrupt Court's order. Defense counsel requests recommendation to accommodate the Defendant's law enforcement status, so as not to require segregation.